

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah
Ameer of Hizb ut Tahrir through his Facebook Fiqhi Page

Answer to Question

Sharia Ruling on Tattoos

to Abu Banan

(Translated)

Question:

Assalamu Alaikum wa Rahmatullah wa Barakatahu,

Question: Are tattoos for men halal (permissible) or haram (forbidden)?

Because Allah mentioned the curse for the one who has a tattoo and the one who does the tattoo, that is, for the females, not for the males.

Please reply in detail. My greetings.

Answer:

Wa Alaikum Assalam wa Rahmatullah wa Barakatahu,

1- As for tattooing, it is forbidden. Al-Bukhari narrated on the authority of Abu Hurayrah, may Allah be pleased with him, that the Prophet (saw) said: «لَعَنَ اللَّهُ الْوَاصِلَةَ وَالْمُسْتَوْصِلَةَ، وَالْوَاشِمَةَ وَالْمُسْتَوْشِمَةَ» **“Allah curses the woman who fixes hair extensions (to another) and the woman who has them fixed for her, and the woman who does tattoos and the woman who has them done for her.”** The forbidden tattoo is when the skin is pierced with a needle, then it is filled with kohl or nile, and it turns blue or green...

“Tattooing the skin” was also defined in the Fiqhi Medical Encyclopedia section: Skin as “a kind of adornment that works by piercing the skin with a needle until blood comes out, then kohl, nile, or special dyes are sprinkled on it to make it green or blue.” Tattooing is an old custom that has been revived recently by fashion, and it is called in foreign words’ “tattoo”.

2- The hadiths that stated the prohibition of tattoos came in the feminine form and did not come in the masculine form, for example:

a. Al-Bukhari narrated in his Sahih: Ibn Abi Shaiba said that Yunus ibn Muhammad told us, and Fulayh said that Zayd ibn Aslam on the authority of Attaa ibn Yasir from the authority of Abu Hurairah, may Allah be pleased with him, on the authority of the Prophet (saw) said: «لَعَنَ اللَّهُ الْوَاصِلَةَ وَالْمُسْتَوْصِلَةَ، وَالْوَاشِمَةَ وَالْمُسْتَوْشِمَةَ» **“Allah curses the woman who fixes hair extensions (to another) and the woman who has them fixed for her, and the woman who does tattoos and the woman who has them done for her.”**

b. Al-Bukhari narrated in his Sahih on the authority of Abdullah who said: «لَعَنَ اللَّهُ الْوَاشِمَاتِ وَالْمُسْتَوْشِمَاتِ وَالْمُتَشَبِّهَاتِ وَالْمُتَقَلِّجَاتِ لِلْحُسْنِ الْمُغَيَّرَاتِ خَلَقَ اللَّهُ» **“Allah has cursed the women who tattoo and the women who have themselves tattooed, the women who pluck hairs from their faces and who make spaces between their teeth for beauty, changing what Allah has created.”** When a woman from the Banu Asad called Umm Ya'qub came and told him she had heard he had cursed such and such he asked why he should not curse those whom Allah's Messenger had cursed and those who were mentioned in Allah's Book. She told him she had read it from cover to cover and had not found in it what he had been saying, to which he replied that if she had read it she would have found it, and asked her whether she had not read, ﴿وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾ **“What the apostle has brought you accept, and what he has forbidden you refrain from.”** On her replying that she had, he

said he had forbidden what he had been talking about. She said: I see your family doing it! He said: Go and see. So, she went and looked, but she did not find anything. He said: If that were the case, I would not have slept with her in the bed.

c. In another narration of Al-Bukhari, on the authority of Ibn Masoud, may Allah be pleased with him, he said: **لَعَنَ اللَّهُ الْوَاشِمَاتِ وَالْمُتَشَبِّهَاتِ وَالْمُتَقَلِّبَاتِ لِلْحُسْنِ الْمُغَيَّرَاتِ خَلَقَ اللَّهُ** **Allah has cursed the women who tattoo and the women who have themselves tattooed, the women who pluck hairs from their faces and who make spaces between their teeth for beauty, changing what Allah has created.**” Why do I not curse the one whom the Messenger of Allah (saw) cursed while it is in Allah's Book?

d. In the hadith of Abu Hurairah, he mentioned **وَالْوَاشِمَةَ وَالْمُسْتَوْشِمَةَ** **and the women who tattoo and the women who have themselves tattooed**), and in the hadith of Abdullah bin Masoud he mentioned **وَالْمُسْتَوْشِمَةَ** **and the women who tattoo and the women who have themselves tattooed**), and in the other narration he mentioned **وَالْمُسْتَوْشِمَةَ** **and the women who tattoo and the women who have themselves tattooed**). It is clear from all of this that the form used in the honorable hadiths of the Prophet (saw) is the feminine form.

3- There is a style in the Arabic language called “Al-Taghlib” (priority) style, which is known in Usul Al-Fiqh, and it means:

a. The speech, if it is in the masculine form or in the male form, then it also applies to the feminine form with Al-Taghlib (priority), and the woman is not excluded except with a text that excludes her:

- For example, His saying, Glory be to Him **﴿يَا أَيُّهَا الَّذِينَ آمَنُوا﴾** **“O you who believe.”**

Women believers are included in it even if the verse is in the masculine form, because there is no text that excludes women from this ruling.

- And for example, what Al-Bukhari included on the authority of Abu Hurairah, may Allah be pleased with him: The Prophet (saw) said: **«أَيُّمَا رَجُلٍ أَعْتَقَ امْرَأً مُسْلِمًا، اسْتَقْتَدَّ اللَّهُ بِكُلِّ غَضُو مِنْهُ** **“Any Muslim, who emancipates another Muslim man, Allah will set free from Hell Fire an organ of his body, for every organ of the other’s (i.e., from the body of the emancipated person).”** It also applies to women in the form with Al-Taghlib (priority). That is, **«(أَيُّمَا امْرَأَةً أَعْتَقْتَ امْرَأً مُسْلِمًا...).** **“Any Muslim woman, who emancipates another Muslim woman...”**. Because there is no text that excludes the woman from this ruling.

- For example: Allah Almighty says: **﴿وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ وَأَطِيعُوا الرَّسُولَ لَعَلَّكُمْ تُرْحَمُونَ﴾** **“And perform As-Salat (Iqamat-as-Salat), and give Zakat and obey the Messenger (Muhammad SAW) that you may receive mercy (from Allah).”** [An-Nur 24:56]. Prayer, zakat, and obedience to the Messenger (saw) are obligatory for both men and women. Because there is no text that excludes the woman from this ruling.

b. However, this method of Al-Taghlib (priority) does not work if it is suspended by a text, i.e., if it is specified by a text that excludes the woman from its generality:

- For example, Allah Almighty says: **﴿كُتِبَ عَلَيْكُمُ الْقِتَالُ وَهُوَ كُرْهٌ لَّكُمْ﴾** **“Fighting has been made obligatory upon you ‘believers’, though you dislike it.”** [Al-Baqarah 2:216]. The discourse here is in the masculine form, and it indicates the imposition of jihad, but Al-Taghlib (priority) is not used here, so it is not said that this includes women in the Al-Taghlib (priority) manner with the wording **“كُتِبَ عَلَيْكُمُ الْقِتَالُ”** **“it is prescribed for you to fight. (written in the form of women)”** Because this is suspended by other texts that make jihad an obligation on men. Ibn Majah narrated on the authority of Habib bin Abi Amra, on the authority of Aisha bint Talha, on the authority of Aisha, the mother of the believers, may Allah be pleased with her, who said: I said: O Messenger of Allah, is jihad imposed on women? He said: **«نَعَمْ، عَلَيْهِنَّ** **“Yes, jihad which does not include fighting is incumbent on them. It is the hajj and the ‘umra.”** In other words, jihad in its combative sense is not obligatory for women.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نُودِيَ لِلصَّلَاةِ مِنْ يَوْمِ الْجُمُعَةِ فَاسْعَوْا إِلَىٰ ذِكْرِ اللَّهِ وَذَرُوا الْبَيْعَ ذَلِكُمْ خَيْرٌ لَّكُمْ إِنْ كُنْتُمْ تَعْلَمُونَ﴾
 - For example: Allah Almighty says: **“O believers! When the call to prayer is made on Friday, then proceed ‘diligently’ to the remembrance of Allah and leave off ‘your’ business. That is best for you, if only you knew.”** [Al-Jumu’ah 62:9]. This text indicates that the Friday prayer is obligatory and that it is obligatory to strive for it if the call is made. Here, the Al-Taghlib (priority) form does not work, i.e. the Friday prayer is not applied to women, because a text specifies that the Friday obligation is for men and excludes women from this obligation, according to what the Prophet (saw) said: in what Al-Hakim included in Al-Mustadrak on the two sahihs on the authority of Abu Musa, on the authority of the Prophet (saw) who said: «الْجُمُعَةُ حَقٌّ وَاجِبٌ عَلَىٰ كُلِّ مُسْلِمٍ فِي جَمَاعَةٍ إِلَّا أَرْبَعَةً: عَبْدٌ مَمْلُوكٌ، أَوْ امْرَأَةٌ، أَوْ صَبِيٌّ، أَوْ مَرِيضٌ» **“The Friday paryer in congregation is a necessary duty for every Muslim, with four exceptions: a slave, a woman, a boy, or an invalid.”** Al-Hakim said: This hadith is sahih (authentic) according to the conditions of the two sheikhs, and al-Dhahabi agreed with him.

c. But the text in the feminine form to clarify a specific ruling doesn’t include men except with a new text that includes men in that ruling:

- For example: Ibn Hibban included in his Sahih on the authority of Ibn Masoud, he said: The Messenger of Allah (saw) said: «الْمَرْأَةُ عَوْرَةٌ» **“The woman is Awrah”** the face and the palms were excluded from it, as stated in the interpretation of the Almighty’s saying: ﴿وَلَا يَبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا﴾ **“and not to reveal their adornments¹ except what normally appears.”** [An-Nur 24:31] where Al-Bayhaqi narrated on the authority of Ibn Abbas that what was meant by what appeared: the face and the two hands. And Ismail Al-Qadi included it on the authority of Ibn Abbas, with a good chain of transmission, as stated in Awn Al-Ma’boud 9/138... These two texts are in the feminine form, so awrah includes the whole woman except for the face and hands, the man’s awrah is not the same, but it is from the navel to the knee, in other texts: Al-Daraqutni included in his Sunan 2/482... on the authority of Ata’ ibn Yasar on the authority of Abu Ayyub who said: I heard the Prophet (saw), say: «مَا فَوْقَ الرُّكْبَتَيْنِ مِنَ الْعَوْرَةِ وَمَا أَسْفَلَ مِنَ السَّرَّةِ مِنَ الْعَوْرَةِ» **“What is above the knees is part of the awrah, and what is below the navel is part of the awrah.”**

- For example: Ahmad included in his Musnad on the authority of Abdullah bin Suwayd al-Ansari, on the authority of his aunt Umm Humayd, the wife of Abu Humayd al-Sa’idi, that she came to the noble Prophet (saw) and said: O Messenger of Allah, I love to pray with you, he said: «فَدَعَلْتُ أَنَّكَ تُحِبُّنِ الصَّلَاةَ مَعِيَ... وَصَلَاتِكَ فِي دَارِكَ خَيْرٌ لَكَ مِنْ صَلَاتِكَ فِي مَسْجِدِ قَوْمِكَ، وَصَلَاتِكَ فِي مَسْجِدِ قَوْمِكَ خَيْرٌ لَكَ مِنْ صَلَاتِكَ فِي مَسْجِدِي» **“I have learned that you love the prayer with me ... and your prayer in your house is better for you from your prayer in the mosque of your people, and your prayer in the mosque of your people is better for you from your prayer in my mosque.”** This hadeeth is in the feminine form, so men are not included in it, a man’s prayer in his home is not better for him than his prayer in the mosque.

That is, the text in the feminine form remains confined to the woman, and the man does not enter the ruling except through another text.

4- By looking at the texts of the tattoos, we find them in the form of femininity, as they do not include men in their meaning... This is indicated by the fact that Ibn Masoud, the narrator of the hadith, may Allah be pleased with him, understood from the hadith that it was about women, and this is the way a woman from the Banu Asad called Umm Ya’qub understood. Where it came in the hadith of Al-Bukhari mentioned above: [On the authority of Abdullah who said: «لَعَنَ اللَّهُ الْوَاشِمَاتِ وَالْمُتَشِمَاتِ وَالْمُتَفَلِّجَاتِ لِلْحُسْنِ الْمُغَيَّرَاتِ خَلْقَ اللَّهِ» **“Allah has cursed the women who tattoo and the women who have themselves tattooed, the women who pluck hairs from their faces and who make spaces between their teeth for beauty, changing what Allah has created.”** When a woman from the Banu Asad called Umm Ya’qub came and told him she had heard he had cursed such and such he asked why he should not curse those whom Allah’s Messenger had cursed and those who were mentioned in Allah’s Book. She told him she had read it from cover to cover and had not found in it what he had been saying, to which he replied that if she had read it she would have found it, and

asked her whether she had not read, ﴿وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾ **“What the apostle has brought you accept, and what he has forbidden you refrain from.”** Upon her reply that she had, he said he had forbidden what he had been talking about. She said: **I see your family doing it! He said: Go and see. So, she went and looked, but she did not find anything. He said: If that were the case, I would not have had intercourse with her.** The woman from Bani Asad who is called Umm Yaqoub understood from the hadith that the women were cursed, so she said to Ibn Masoud, may Allah be pleased with him: (I see your family doing it), and Ibn Masoud, may Allah be pleased with him, answered her: (So go and see). He said: If that were the case, I would not have slept with her in the bed). It is clear from this that they understood that the hadith is about women.

The hadeeth about tattoos is in the feminine form, so it does not include men except with another text, but not with the hadeeths about tattoos mentioned.

5- However, there is another issue related to tattoos, which is that tattoos are impure because of the retention of blood in the place of the tattoo. It was stated in the Kuwaiti Encyclopedia of Fiqh: [The fuqaha' agreed that tattooing is impure; because the blood was trapped in the tattoo's place with what was sprinkled on it]. This impurity in the body is not easily removed, and this impurity which is settled in the body by the choice of a sane adult is not permissible due to the resulting problems related to purity. And because of the use of impure (blood) for tattoo purposes... And benefiting from the impure (*najis*) is forbidden except for medical reasons, so it is *makrooh* (disliked), and benefiting from tattoos here and the retained blood in it is not for medical reasons, otherwise it would *makrooh* and not forbidden, but it is for other purposes, and **therefore it is forbidden because it is use of uncleanness for other than medical reasons, and this matter includes both men and women, as it is mentioned in general texts.**

Among the evidences for the prohibition of benefiting from the impure (*najis*) are:

- Al-Bukhari included on the authority of Jabir bin Abdullah, may Allah be pleased with them both, that he heard the Messenger of Allah (saw) say in the year of the conquest while he was in Makkah. «إِنَّ اللَّهَ وَرَسُولَهُ حَرَّمَ بَيْعَ الْخَمْرِ وَالْمَيْتَةِ وَالْأَصْنَامِ فَقِيلَ يَا رَسُولَ اللَّهِ أَرَأَيْتَ شُحُومَ الْمَيْتَةِ فَإِنَّهَا يُطْلَى بِهَا السُّفُنُ وَيُدْهَنُ بِهَا الْجُلُودُ وَيَسْتَصْبَحُ بِهَا النَّاسُ فَقَالَ لَا هُوَ حَرَامٌ ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ عِنْدَ ذَلِكَ قَاتَلَ اللَّهُ الْيَهُودَ إِنَّ اللَّهَ وَالْحَمْدُ لِلَّهِ لَهُ مَا حَرَّمَ اللَّهُ لَمَّا حَرَّمَ شُحُومَهَا جَمَلُوهُ ثُمَّ بَاعُوهُ فَأَكَلُوا ثَمَنَهُ» "Allah and His Messenger have declared forbidden the sale of wine, animals which have died a natural death, swine and idols." He was asked what he thought of the fat of animals which had died a natural death, for it was used for caulking ships, greasing skins, and making oil for lamps, and after saying that it was unlawful he added, "Allah curse the Jews! When He declared the fat of such animals unlawful they melted it, then sold it and enjoyed the price they received."

- He made an exception from the prohibition as well as medication, so medication with the forbidden is not forbidden: Narrated by Muslim on the authority of Anas «رَخَّصَ رَسُولُ اللَّهِ ﷺ أَوْ رَخَّصَ رَسُولُ اللَّهِ ﷺ رَخَّصَ لِلزَّبِيرِ بْنِ الْعَوَّامِ وَعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ فِي لُبْسِ الْخُرِيرِ لِحَقَّةٍ كَانَتْ بِهِمَا» **Allah's Messenger (ﷺ) granted concession, or Zubair b. Awwam and 'Abd Al-Rahman b. Auf were granted concession, for the wearing of silk because of the itch that they both had.** Wearing silk for men is forbidden, but it is permissible in medicine. Likewise, according to the hadith of al-Nasa'i, Abu Dawud, and al-Tirmidhi, and the wording is for al-Nasa'i: Abd al-Rahman bin Tarfa narrated to us on the authority of his grandfather, Arfajah bin As'ad that his nose was cut off at the Battle of Al-Kulab during the Jahiliyyah, so he wore a nose made of silver, but it began to rot, so the Prophet (saw) told him to wear a nose made of gold. And gold for men is forbidden, but it is permissible in medicine.

- Medication with the impure (*najis*) is not forbidden, according to the hadeeth of al-Bukhari on the authority of Anas, may Allah be pleased with him «أَنَّ نَاسًا اجْتَنَوْا فِي الْمَدِينَةِ فَأَمَرَهُمُ النَّبِيُّ ﷺ أَنْ يَلْحَقُوا بِرَاعِيهِ يَغْنَى الْإِبِلَ فَيَشْرَبُوا مِنْ أَلْبَانِهَا وَأَبْوَالِهَا فَلَحَقُوا بِرَاعِيهِ فَشَرَبُوا مِنْ أَلْبَانِهَا وَأَبْوَالِهَا...» **“The climate of Medina did not suit some people, so the Prophet (ﷺ) ordered them to follow his shepherd, i.e., his camels, and drink their milk and urine (as a medicine). So, they followed the shepherd that is the camels and drank their milk and urine...”**

And the meaning of “اجتؤا” (ij’tao) means that their food did not suit them, so they fell ill, and the Messenger (saw) permitted them to heal with urine, which is impure. Al-Bukhari narrated on the authority of Abu Hurairah that he said: «قام أعرابي فبال في المسجد، فتناوله الناس، فقال لهم النبي صلى الله عليه وآله وسلم: دعوه وهريقوا على بوله سجلاً من ماء - أو ذنوباً من ماء - فإنما بعثتم ميسرين ولم تبعثوا معسرين» “A Bedouin urinated in the mosque, and the people got hold of him but the Prophet told them, “Leave him alone, and pour a bucket of water over what he has passed, for you have been sent only to make matters easy and not to make matters difficult.” He said bucket and sins: i.e., the bucket is full.

And since benefiting from impurity is forbidden, as indicated above, **and therefore from this section, i.e., benefiting from impurity, so in my opinion it is more likely that tattooing is also forbidden in the case of men, even if it is not included in the previous hadiths that prohibit tattoos, but rather by the prohibition of using impure things...** This is my opinion regarding men’s tattoos, as it is also forbidden in this regard.

6- The fuqaha’ had different opinions regarding tattoo removal, as it is impure... Some of these opinions are:

- It says in al-Mawsoo’ah al-Fiqhiyyah 43/159:

[(The Shaafa’is said: The tattoo must be removed as long as it does not conceal harm that makes tayammum permissible. If he fears, he does not have to remove it, and there is no sin upon him after repentance. And if he did it with his consent after reaching puberty, otherwise he is not obliged to remove it at all, and his prayer and his Imama are valid...].

- And it was mentioned in the book Mughni al-Muhtaj to know the meanings of the words of the platform by Shams al-Din Muhammad Ahmad al-Khatib al-Shirbiny al-Shafi’i (deceased: 977 AH)

Conditions and Impediments to Prayer 1/406: **[Branches: Tattooing, which is piercing the skin with a needle until the blood comes out, and then pricks it until it becomes blue or green because of the blood obtained when the needle was pierced. It is forbidden... The tattoo must be removed as long as it does not conceal harm that makes tayammum permissible. If he fears, he does not have to remove it, and there is no sin upon him after repentance.** And this if he did it with his consent as Al-Zarkashi said: that is, after reaching puberty, otherwise he is not obliged to remove it as stated by Al-Mawardi that is: his prayer and his Imama are valid...].

- There are other sayings...

I hope this is sufficient, and Allah is All-Knowing and Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

02 Jumada Al-Awwal 1444 AH

Corresponding to 26/11/2022 CE

The link to the answer from the Ameer’s Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/692615132425859>